

1 U.S. DEPARTMENT OF THE INTERIOR
2 BUREAU OF LAND MANAGEMENT
3 CALIFORNIA DESERT DISTRICT
4 TUESDAY, AUGUST 6, 2002
5 SAN DIEGO, CALIFORNIA
6 EVENING SESSION
7 7:06 p.m. - 7:39 p.m.
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1 TUESDAY, AUGUST 6, 2002, SAN DIEGO, CALIFORNIA

2 7:06 p.m - 7:39 p.m.

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4 MR. JOSTES: I'd like to welcome you to the 10th

5 session of the scoping meetings on Surprise Canyon access

6 alternatives. My name is a John Jostes, and I'm an

7 independent meeting facilitator that has been retained by the

8 BLM to run these series of scoping meetings. This is the

9 last in the series of meetings. We've been to Ridgecrest,

10 Bakersfield,

11 Lone Pine, Pasadena, and today in San Diego. I'm glad to see

12 the number we've got here for a turnout. Before I open the

13 public portion of this meeting, I'd like to just give you a

14 little bit of overview of what we're looking for tonight.

15 What the meeting purpose is, ground rules, or how we can

16 interact productively and a little bit of background on the

17 environmental issues, and the alternatives that are being

18 scoped in this document. This is the first of three

19 opportunities that the public has to provide comments on

20 their prospective into the process of evaluating the various

21 alternatives for access into Surprise Canyon. The purpose of

22 this meeting is to get your comments, your questions, and

23 your concerns regarding the environmental issues of focus

24 that will be covered in the EIS as well as the range of

25 alternatives that will be evaluated. No decisions are going

1 to be made tonight. No decisions have been made at any of
2 the last nine meetings.

3 After the public comments, or I should say the
4 comment period, on these series of scoping meetings closes;
5 and that will be on August 30th of this month. The BLM will
6 take those comments, take the notes that I put together as
7 the meeting facilitator, and the written transcription that
8 our patient court reporter is transcribing this evening and
9 at all the other meetings. They'll go ahead and prepare a
10 draft Environmental Impact Statement, release it to the
11 public and other agencies. At that point in time people will
12 have a chance to comment on its completeness, its accuracy
13 and it's objectivity. After the public comment closes on
14 that aspect of the process, the BLM will choose a preferred
15 alternative and have a final set of public hearing meetings
16 at which time they will accept protest from those individuals
17 organizations that do not hold the same opinion that the BLM
18 does in terms of a preferred alternative.

19 So tonight we are simply trying to collect
20 perspectives, and I expect we will here a wide variety of
21 perspectives on the issues that surround Surprise Canyon and
22 its alternatives. The ten core environmental topic that the
23 agency has already scoped as a part of this environmental
24 document are natural resources; cultural resources; geology
25 and soils; water quality and water quantity; land use and

1 transportation; air quality and noise; recreation; aesthetics
2 and visual impacts; social and economic impacts, and wild and
3 scenic river issues.

4 If you think there are issues that are not covered
5 by those broad categories, we need to hear from you tonight
6 as to what they are or what questions you think the EIS needs
7 to address. This EIS is the result of a settlement agreement
8 that came out of a law suit that is between the BLM and the
9 Center for Biological Diversity, I believe.

10 One of the alternatives to be addressed is the
11 no-action alternative. It's required in all environmental
12 impact statements and all environmental impact reports and
13 that would result in temporary access for vehicles until June
14 30th of 2004, at which time the lawsuit specifies the route
15 designation be resolved, and a second alternative is to
16 designate the route as open for vehicle access.

17 Another one might be to designate it as a limited
18 access route under special conditions. If there are certain
19 conditions that you feel are appropriate for that, that would
20 be something you might bring to our attention tonight.

21 Another set of alternatives has to do with whether
22 it's a paved road or unpaved road and through these series of
23 meetings, we've heard other alternatives all together as a
24 separate route into Panamint City, different types of uses in
25 Surprise Canyon. We have tried to take those down and record

1 them so that we can put those into the record once the EIS
2 gets formally started.

3 We've got what? About Probably 60 folks here? How
4 many people would like to speak tonight? Just give me a
5 sense of hands. So we got probably a dozen or so folks that
6 would like to speak. I like to run my meetings with ground
7 rules. And those ground rules are intended to provide the
8 boundaries within which we can have a productive discussion.

9 With many meetings, we're going to hear different
10 perspectives, things we agree with and things we don't agree
11 with. My ground rules intend to help us get through the
12 meeting in a civil manner, stay focused; yet at the same time
13 allow for the passionate perspectives that surround this
14 issue and many other issues. So I am not asking you to, in
15 any way, dampen your energy. I'm simply asking that it be
16 focused, constructive, and some degree of discipline is used.

17 We're not going make decisions this evening. So
18 I'm looking to you to indicate specifically what you would
19 like to see that EIS cover. I'd like to see folks deal with
20 differences as a problem to be solved and not battles to be
21 won.

22 Please, refrain from clapping. This is not a
23 voting exercise in any way, and I just thing it detracts from
24 what we're trying to do here, which is to collect information
25 and record it. If you have got relevant information about

1 Surprise Canyon you'd like to share with us, we'd like to
2 hear that as well. I like to run these things fairly and
3 formally. So even though we've got a three-minute limit
4 here, I think we can go beyond that. If people need the
5 extra time to make their points and cover topics; and at the
6 same time, I'm not going to tolerate cheap shots from any
7 corner of the room. We can handle it in a very informal
8 productive manner or I can revert back to my hearing-officer
9 role and we'll go back to a much more structured hearing,
10 which is not something I really care to do.

11 We've had a lot of good comments over the past
12 four-and-a-half days of input and every time we get together
13 and every time we hear new information, we get new insights.
14 I hear things and this is very much a learning experience for
15 me because I'm not associated with the BLM. I'm simply here
16 trying to help everybody communicate with each other, and so
17 I'm looking to this audience to help us go to the next step
18 to step it up a notch in terms of good information, good
19 questions, and areas of focus.

20 So with that, we have a court reporter. If we go
21 too fast, she may interrupt one or more of us and ask us to
22 slow down or repeat something. But so far, she's been doing
23 a great job.

24 So let's start out with Blair Will, is the first
25 speaker, followed by Tammy Navy.

1 Come up to the podium. I'll be taking notes.

2 MR. WILL: I live here in San Diego, and I just
3 wanted to comment a bit on the route into Panamint City and
4 vehicle access to that, to Panamint City. I personally have
5 not have the chance to go exploring in that area because the
6 times that I have been up there, the route has been closed.
7 But it's my understanding that there isn't any other way to
8 get into Panamint City; and so I think it's important that
9 there be some form of access, and it seems like the route
10 through Surprise Canyon is the most direct.

11 The other point that I would make, you mentioned
12 the no-action alternative. It's my understanding that the
13 road used to be a real road, and so I am not quite sure how
14 we got onto a discussion on whether or not it should be open
15 or closed to begin with. There's also been some question and
16 I think maybe it seems to be addressed in your EIS about the
17 legal status of the route. Some people -- there seems to be
18 a bit miss-information. Some people say it's a private way
19 altogether to people who hold title and fee to land in
20 Panamint City, and some people say that it's an Inyo County
21 route. I'd like to see some decision in the EIS about what
22 the actual legal status is and how it is that the BLM comes
23 to have jurisdiction over whether it's deemed open or closed.

24 It seems to be that there's a lot of diversity.
25 It's a big issue with vehicle access in the Canyon. It has

1 to do mostly with impacts to threaten endangered species, and
2 indicated specifically, I think, plant species and it's also
3 been brought to my attention that there's fairly frequent
4 flash flooding which takes place in the canyon. You noted
5 that in your preparatory document with respect to the EIS.
6 I'm not sure how that works with the choice of not choice of
7 having transportation access for vehicles, but if the flash
8 flooding is going to wipe out everything in the Canyon at
9 least every five years or so, I'm not sure what the necessary
10 impacts of vehicles as related to that; in other words, in
11 comparison to that would be.

12 And finally, I think it would be interesting to
13 know how many vehicles typically would seek access to the
14 route. I don't think you're going to find it's actually
15 going to be all that many vehicles. I'm not sure how you
16 could do that because it's been closed for a year now. So
17 I'm not quite certain how you would determine what the
18 potential impact would be with an inability to actually,
19 directly measure that.

20 And I'm also curious as to, I think the EIS should
21 also address clearly the actual relationship between the
22 Center for Biological Diversity litigation settlement with
23 the BLM and what they actually mean to have happen with
24 respect to Surprise Canyon specifically, because I am not
25 sure what, in fact, the stipulation that came out of that

1 judgement or -- excuse me, not the judgement, of that
2 settlement or that litigation was. Because obviously that
3 litigation was aimed at the CDC or more generally to it.
4 Thank you for your time.

5 MR. JOSTES: Thank you. Blair. Next person was
6 Tammy Navy.

7 MS. NAVY: This area is a backyard to my family,
8 in-laws. They actually live up in the area. There is no --
9 I just talked to my father-in-law tonight about this, but
10 there's no real direction into the area for any other
11 vehicles but off-road vehicles that are well equipped to get
12 up through the area. Therefor, it's kind of off limits to a
13 sport utility vehicle, a regular transitional vehicle that
14 doesn't have the capabilities. I have been up there myself,
15 seeing the area. Most people sometimes have to walk through
16 it due to the incompatibility of their vehicles. And I
17 unfortunately don't get a wide variety of opportunity to go
18 through it except for probably once or twice a year when I
19 visit family; and I would appreciate it, if at all, we can
20 keep it open because I do enjoy that type of recreation.
21 Thank you.

22 MR. JOSTES: Thank you. Next person is
23 David Taylor followed by Steve Prockl.

24 MR. TAYLOR: My name is David Taylor, and I would
25 just like to ask that in the scoping meeting they look at

1 areas such as how much really would the vehicles impact the
2 area.

3 I have actually been up there, and I don't see that
4 the vehicle traffic there could possibly impact the canyon on
5 that much. I was lucky enough to go there before it was
6 closed and have looked at it since the flash flood and seen
7 what the flash floods do. I can't possibly imagine that
8 vehicle traffic could do anything anywhere near that. I'd
9 also like to see that it be declared an open route.

10 I believe since as early as 1932, what I read was
11 correct. It has been declared open and a county road. I
12 think it should be -- it should stay open. I just don't
13 want to see any other areas closed. I don't think there's
14 any other possible route into Panamint City except up there.
15 So I think that route should stay open. I would like to be
16 able to go there again.

17 I think that there are areas that people in
18 well-equipped vehicles can go to and experience and see that
19 there's a lot out there that if we just keep closing, it
20 isn't going to be there. I have got two small kids that I'd
21 like to take there last time I went they didn't get to go. A
22 lot of areas in the high deserts more and more have been
23 closed. I have been going there for nearly 30 years. I
24 started going there with my dad since I was eight. And now
25 that I have kids, I'd like to be able to take them out there,

1 and the more closure, the less area there is for us to go to.
2 I feel any time you limit a large -- there's a large area of
3 people that can spread out, and I believe there's less
4 impact. The more and more areas that get closed, more people
5 get funneled into the same area and then the impact is
6 greater.

7 I think that 4-wheelers that go up Surprise Canyon
8 are not the type that are looking to destroy the area. I
9 think that those 4-wheelers are more environmentalists than
10 what we consider a environmentalist. Most of the time,
11 people don't actually go out there. A lot of them haven't
12 been out there to see what's its like to see the canyon.
13 They think we're going to impact it, destroy the water
14 quality. I believe these studies show that after the
15 Panamint Valley Days run that there was no decrease in water
16 quality either going up or coming down. Before and after it
17 was all the same. The water quality was not affected. I
18 think that vehicles can continue to go up there without
19 adversely affecting the water quality or the vegetation or
20 any animal life that may be in that Canyon.

21 I would like to see it declared an open route so
22 that more people can enjoy the area, take their children to
23 see things that they saw. It's a wonderful place, and I'd
24 just like to see it stay open.

25 MR. JOSTES: Okay. Thank you. Steve Prockl.

1 MR. PROCKL: I'd like to thank the BLM for giving
2 us the opportunity to speak on the subject tonight. Blair
3 and David covered a lot of the topics that I was going to
4 cover. So I'll make mine short so I'll give somebody else an
5 opportunity to speak. Basically, what I'm concerned with is,
6 are the findings presented by the CBD. I'm not a biologist,
7 however, I am qualified to speak on an environmental report
8 like this by virtue of the fact that I do and have taught
9 environmental programs. The things I find disturbing about
10 this are that they're inconclusive, they're inaccurate,
11 they're subjective and bias. The concern comes that's an EIC
12 would be based even in part by something like this.

13 MR. JOSTES: A what? An EIC?

14 MR. PROCKL: Yeah, an Environmental Impact Report.

15 MR. JOSTES: Okay.

16 MR. PROCKL: By the BLM. I think we need to focus
17 on more sound scientific facts and more conclusive evidence
18 than was offered in this report. There doesn't appear to be
19 any verified, and the key word there is "verified," species
20 that are endangered. It is not technically a unique habitat
21 because the surrounding areas provide many similar habitats.
22 And in all technicality, it's not actually a riparian area.
23 Erosion was covered also, erosion isn't a great factor, and I
24 notice that these records were prepared by self-proclaimed
25 naturalists, and in their report they said very clearly that

1 all they do is they observe and then they speculate.

2 I really don't believe that this is something
3 should be left to speculation. I think it should be more
4 hard facts, more hard evidence. Also, I think it's in the
5 best interest of the public to leave this area open. We
6 should look at multiple use in this area. There are
7 cultural, historical and financial impact issues that have
8 been covered already.

9 I think that should pretty much wrap it up for me.
10 Thank you.

11 MR. JOSTES: Thank you. Verin Steele, followed by
12 Steven Gardiner.

13 MR. STEELE: My name is Verin Steele. I live here
14 in San Diego. I don't really have a lot to follow up on. A
15 lot of the areas have been covered, but some areas. My son
16 has been living with me for ten years. We've never had the
17 opportunity to go to Surprise Canyon.

18 On Financially impacting an area, of the past year
19 I have been spent probably \$5,000 on my vehicle making it
20 capable to run Surprise Canyon to run these trails and not
21 only is that a local economic impact here in the San Diego
22 area, it's all throughout the western states. And in
23 addition, when we do go on trips like this. When we do go to
24 places out of the area add your gas cost in there that your
25 inputting in the local economy. That \$30 tank of gas for

1 your tow vehicles; the campgrounds that you stay at; the
2 hotels that you stay at; the food that you purchase; the
3 parts as you need parts that you purchase; just even down to
4 the bag of ice that you pay for to help with that.

5 I'm a multiuse advocate. Everybody can utilize
6 Surprise Canyon. We don't have to block it off to any
7 certain type of recreation. I'm pro-recreation. We all
8 should be able to enjoy it, be it somebody on the mountain
9 bike, be it somebody on a horse, be it somebody on foot, be
10 it somebody in an off-road vehicle; and I advocate leaving it
11 designated as an open road.

12 I think it's RS2477, I believe is the number for
13 the, you know, pre-existing routes not to be closed it
14 they're still in use. The road to Surprise Canyon was a road
15 that was utilized by the people that lived in Panamint City
16 for years. Flash flooding took the road out, yes. Well,
17 let's leave the road the way it is. We're not advocating
18 paving the road, we're not advocating improving the road.
19 We're just advocating that the road should be open for people
20 to utilize. Thank you.

21 MR. JOSTES: Thank you. Okay. Steve Gardiner.

22 MR. GARDINER: Steve Gardiner from Anaheim,
23 California. I've been to one of these meetings in the last
24 week, and the BLM already has most of my comments on record.
25 I just came again and figured I'd cover a couple of things

1 that I didn't cover before.

2 Fortunately for me, some people that speak much
3 better than I, have actually covered everything once again.
4 But the main point I'd like to make to everybody is that
5 Congress designates wilderness areas and in this case,
6 Surprise Canyon Wilderness or Surprise Wilderness has been
7 designated. In so doing, they also designated a vehicle
8 corridor that enters into the Surprise Wilderness. I would
9 hate to see the power of Congress bypassed by legal -- I'm
10 not sure of the right term to use, but by some other legal
11 format.

12 It just seems to me that that's not the right way
13 to go about it. If Congress has the ability to make the
14 wilderness and there's a legal way to get around that, then
15 maybe we ought to be opening up some wilderness areas as
16 well.

17 This road has been a road since 1974. As far as I
18 know, it was pretty much open through 1982, at which point
19 mother nature closed it for a five-year period, I believe.
20 Then some ingenious Jeepers, I think that would be with a
21 capital "J," reopened that route to vehicle travel until the
22 year 2001, in which case some people with some sharp pens
23 closed it. I'd like to see it reopened. I made that point
24 with John already. If the BLM failed to perform some duty
25 that they were supposed to or legally obligated to perform,

1 well, then they need to get off their butts and finish the
2 job the way it should have been done. If they need any
3 volunteers with that, I for one, am there. The clubs and
4 organizations I represent will be there also. And I'm having
5 my fair share of the press time here; you guys are too. I'd
6 like to -- whatever side of the fence you're on, have your
7 friends write some letters, take some extra forms back to
8 your organizations, have them fill out their comments, so
9 then everybody can be represented here, not just the ones
10 that took the time to come down here to this meeting. I know
11 John wants more comments to compile; right? Anyway, that's
12 it for me. Thank you.

13 MR. JOSTES: Thank you. The last speaker card I
14 have is for Terry Weiner. Terry.

15 MS. WEINER: Hello, my name is Terry Weiner,
16 W-e-i-n-e-r. I'm in San Diego California, and I'm here to --
17 just as a citizen of the United States living in San Diego.
18 I live in a totally automobile-dominated life style. There's
19 hardly any corner of the city where I can get away from the
20 look, the sight, or the noise or the smell of vehicles. So I
21 rely on the desert, little corners the desert to get a way
22 from vehicles. And believe it or not, despite all of the
23 closures, these hidden corners where there are no vehicles or
24 sights of vehicles or sounds of vehicles are becoming
25 increasingly hard to find. I would dearly like to, you know,

1 have common ground with everybody in the room here. And, you
2 know, it occurs to me, at least we have a love of the desert
3 in common; and we want to go out there and enjoy it.

4 What concerns me is that there's so many of us who
5 love it in so many different ways. Is where, you know,
6 we're killing the things that we love with our use. And
7 Surprise Canyon -- I have been there -- is an incredible
8 riparian area. It has a full complement of riparian plants
9 and animals, and it's a rare habitat. At this time there are
10 not that many riparian areas in the desert. There never have
11 been and, you know, global warming keeps going away. There's
12 going to be fewer of them, and so I'd like to see people
13 drive to the edge of Surprise Canyon and leave their vehicles
14 there and walk or crawl, you know, up the rest of the way to
15 see it. Believe me, you're going to see a lot more than -- I
16 have been in Jeeps too, where we did some winching too, and
17 the experience to me is one of the jeep. It's the experience
18 of getting will machine over the rock and all the sights and
19 sounds that go with that. It's an interesting experience.
20 But I don't want to do that where I'm hurting other people's
21 house. You know, I wouldn't want a Jeep driving through my
22 bedroom, and I don't want to drive through the bedroom of
23 other creatures either.

24 So, I wish that we could agree to try to protect
25 that, which we love so much. You know, the BLM, I think you

1 have an easy decision here to make on Surprise Canyon and all
2 you have to do is look at your own mission, which is a
3 multiple use mandate. But that doesn't mean that you need to
4 have all uses in all places at all times. You have mission
5 to protect the resources and manage them in the best -- in a
6 way that best serves the American people. So, you know, I
7 speak for myself, but I don't think I'm alone in wanting our
8 natural heritage protected. And driving over really
9 sensitive areas isn't going serve that purpose.

10 Some of the issues that I'd like to make sure that
11 the EIS addresses are fully analyzing the status of the
12 plants and animals. There are some sensitive ones in there
13 and rare ones like the Panamint Alligator Lizard and the
14 Panamint Daisy, there is some Southwestern Willow Flycatcher
15 and there are Nelson's Big Horn and the Panamint Dudleya out
16 there. You know, look at what's happening to these plants so
17 far from other impacts like willows past mining, past, you
18 know, use by vehicles and see what's going to happen if you
19 do continue vehicle routes there. And also, another issue to
20 is to make sure that you work with Death Valley National Park
21 and their plans for Panamint City, and what's going on up
22 there. There needs to be a correlation between what their
23 doing with that Canyon and what they're doing on the top. I
24 too am interested in defining what legal status of a route or
25 a used-to-be road would have before you come to your

1 decision. But if the area is a designated wilderness and a
2 designated area and critical environmental concern, it makes
3 it easy.

4 Why did that happen, you know, what were the
5 reasons why that was imposed, and what's appropriate to do in
6 an area like that, really? I'm really tired of those car
7 ads by Ford that say, you know, it should have
8 "no boundaries." I think that is not going to serve the
9 interest of the American people to protect our natural
10 heritage. We need to have boundaries, and I think one
11 boundary should be not driving through Surprise Canyon.
12 Thank you.

13 MR. JOSTES: Thank you. Other comments? We got
14 one more? Okay. Well, I'd like to thank all of you for
15 taking the time to come tonight, to listen to speak, and I
16 have probably 70 flip chart pages of notes from the last five
17 days. So we have plenty to consider, plenty to process and
18 give over to the BLM for their integration into the EIS, all
19 five nights we've kept our court reporter's fingers moving
20 rapidly, and again, thank you for your input. If you've
21 signed the notification list, you will get notified of the
22 next steps in terms of the release of a draft EIS and I
23 encourage all of you to utilize these comment forms. We have
24 plenty of extra forms. So as you're going out the door, take
25 five or ten of them because written comment is just as

1 valuable as the oral comments in this process, and it ensures
2 that they will hear what you want to see addressed in the
3 EIS.

4 Yes, sir, in the front row. Could you just let us
5 know your name for the record.

6 MR. DAVID: I'm David, I'm curious to know the if
7 the transcripts from the meetings are available on-line for
8 viewing?

9 MR. JOSTES: They are not available yet. They will
10 be provided to the BLM in the next several weeks or so and
11 then they will either post them on-line or integrate them
12 into the document in some way. I don't know exactly how
13 they're going to address that, but I believe it's public
14 information because this is a public meeting, so it should be
15 available to you. You might want to talk to or make that a
16 comment in your response so that you can follow up on that to
17 make sure you have a chance to look at the hundred and fifty
18 pages worth, if not double that, in terms of the amount of
19 testimony we've received over the past week. Okay.

20 MR. DAVID: Thank you.

21 MR. JOSTES: Okay. With that, thank you, very
22 much. Our meeting is done.

23 (The meeting was concluded at 7:39 p.m.)

24

25

